

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

SURGICAL STAPLER

This declaration is of the following type: (check one)

[x] original
[] design

(check one, if applicable)
[] national stage of PCT
[] supplemental

[] divisional
[] continuation
[x] continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SURGICAL STAPLER

SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b) or (c))

- (a) [x] is attached hereto.
- (b) [] was filed on _____ as [] Serial No. _____
or [] Express Mail No., as Serial No. not yet known
and was amended on _____ (if applicable).
- (c) [] was described and claimed in PCT International Application
No. _____ filed on _____ and
as amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. § 1.56(a).

FOREIGN PRIORITY CLAIM

[] I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) [] no such applications have been filed.
(e) [] such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NO.	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 35 USC 119
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 YES NO

 YES NO

 YES NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

[x] I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

Prior U.S. Application(s) or PCT International Application(s) Designating the U.S. For Benefit Under 35 U.S.C. § 120.

U.S. APPLICATIONS

Serial No.	Filing Date	Status (patented, pending or abandoned)
08/520,202	August 28, 1995	pending

PCT APPLICATIONS DESIGNATING THE U.S.

PCT Application No.	PCT filing date	U.S. Serial Nos. assigned (if any)	Status (patented, pending, abandoned)

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Of Dilworth & Barrese:

Peter G. Dilworth, Reg. No. 26,450
Rocco S. Barrese, Reg. No. 25,253
Joseph J. Catanzaro, Reg. No. 25,837
David M. Carter, Reg. No. 30,949
Paul J. Farrell, Reg. No. 33,494
Peter DeLuca, Reg. No. 32,978
Adrian T. Calderone, Reg. No. 31,746
George M. Kaplan, Reg. No. 28,375
Jeffrey S. Steen, Reg. No. 32,063
Joseph W. Schmidt, Reg. No. 36,920
Raymond E. Farrell, Reg. No. 34,816

Russell R. Kassner, Reg. No. 36,183
Frank Chau, Reg. No. 34,136
Scott D. Wofsy, Reg. No. 35,413
Anthony J. Natoli, Reg. No. 36,223
Michael P. Dilworth, Reg. No. 37,311
Richard F. Jaworski, Reg. No. 33,515
Daniel E. Tierney, Reg. No. 33,461
Walter M. Egbert, III, Reg. No. 37,317
Jean Y. Chung, Reg. No. 38,674
Christopher G. Trainor, Reg. No. 39,517
Glenn F. Savit, Reg. No. 37,437

Of United States Surgical Corporation:

John C. Andres, Reg. No. 30,931
Basam E. Nabulsi, Reg. No. 31,645
Neil D. Gershon, Reg. No. 32,225

Neil Y. Gilbert, Reg. No. 35,156
Mark Farber, Reg. No. 34,159
Carolyn Blankenship, Reg. No. 35,449

Send Correspondence to

Direct Telephone Calls To:
(Name and telephone number)

Neil Y. Gilbert
United States Surgical Corporation
150 Glover Avenue
Norwalk, Connecticut 06856

(203) 845-1052

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or first inventor Dominick L. Mastri
Inventor's signature Dominick L. Mastri
Date 10/19/95 Country of Citizenship U.S.A.
Residence 302 Cambridge Street, Bridgeport, CT 06606
Post Office Address (same as above)

Full name of second inventor Frank J. Viola
Inventor's signature Frank J. Viola
Date 10/17/95 Country of Citizenship U.S.A.
Residence 320 Greatquarter Road, Sandy Hook, CT 06482
Post Office Address (same as above)

Full name of third inventor Thomas W. Alesi, Jr.
Inventor's signature Thomas W. Alesi, Jr.
Date 10/18/95 Country of Citizenship U.S.A.
Residence 10 Sweetcake Mountain Road, New Fairfield, CT 06856
Post Office Address (same as above)

Full name of fourth inventor Robert J. Geiste
Inventor's signature Robert J. Geiste
Date 10/17/95 Country of Citizenship U.S.A.
Residence 44 Overlook Drive, Milford, CT 06460
Post Office Address (same as above)

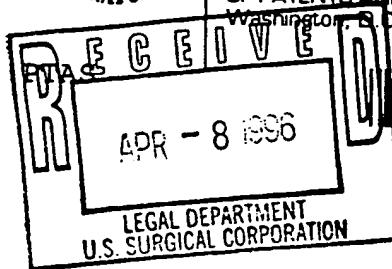
Full name of fifth inventor Jon Wilson
Inventor's signature Jon Wilson
Date 10-28-95 Country of Citizenship U.S.A.
Residence 55 Orchard Hill Drive, Fairfield, CT 06430
Post Office Address (same as above)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MARCH 31, 1996

NEIL Y. GILBERT
UNITED STATES SURGICAL CORP.
150 GLOVER AVENUE
NORWALK, CONNECTICUT 06856



100106507A

1995 PTO
JC869/625886
07/26/00

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/20/1995

REEL/FRAME: 7728/0060
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

MASTRI, DOMINICK L.

DOC DATE: 10/19/1995

ASSIGNEE:

VIOLA, FRANK J.

DOC DATE: 10/17/1995

ASSIGNEE:

ALESI, THOMAS W., JR.

DOC DATE: 10/18/1995

ASSIGNEE:

GEISTE, ROBERT J.

DOC DATE: 10/17/1995

ASSIGNEE:

WILSON, JON

DOC DATE: 10/20/1995

ASSIGNEE:

UNITED STATES SURGICAL CORPORATION
150 GLOVER AVENUE
NORWALK, CONNECTICUT 06856

12-18-1995

Tab settings □ □ □ □ □

To the Honorable Commissioner of Patents

100106507

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

8/346253

Send original documents or copy thereof.

64 OCT
Name of conveying party(ies):
Dominick L. Mastri
Frank J. Viola
Thomas W. Alesi, Jr.
Robert J. Geiste

Jon Wilson

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: October 17, 18, 19 and 20, 1995

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: October 17, 1995 and 20, 1995

A. Patent Application No.(s)

B. Patent No.(s)

17331 U.S. PTO



Additional numbers attached? Yes No

12/15/95

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Neil Y. Gilbert

Internal Address: _____

Street Address: United States Surgical Corp.

150 Glover Avenue

City: Norwalk State: CT ZIP: 06856

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

21-0550

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Neil Y. Gilbert

Name of Person Signing
Reg. No. 35,156

Signature

Total number of pages including cover sheet, attachments, and document:

5

October 20, 1995

Date

010-55 21-0550 11/22/95 08546253
40.00CH

PATENTS ONLY

10/546253

Tab settings □ □ □ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Dominick L. Mastri
Frank J. Viola
Thomas W. Alesi, Jr.
Robert J. Geiste

Jon Wilson

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

Assignment

Merger

Security Agreement

Change of Name

Other _____

Execution Date: October 17, 18, 19 and 20, 1995

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: October 17, 19 and 20, 1995

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B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Neil Y. Gilbert

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150 Glover Avenue

City: Norwalk State: CT ZIP: 06856

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

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Authorized to be charged to deposit account

8. Deposit account number:

21-0550

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Neil Y. Gilbert

Name of Person Signing
Reg. No. 35,156


Signature

October 20, 19

Date

5

Total number of pages including cover sheet, attachments, and document:

10/546253

Docket No. 1695 CIP

For: [x] U.S. and/or [x] Foreign Rights
For: [x] U.S. Application or [] U.S. Patent
By: [x] Inventor(s) or [] Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS: Dominick L. Mastri, Frank J. Viola, Thomas W. Alesi,Jr.
Robert J. Geiste and Jon Wilson,

(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)

Recorded on

Reel
Frame

hereby sell , assign and transfer to

ASSIGNEE: United States Surgical Corporation
150 Glover Avenue
Norwalk, CT 06856
U. S. A.

and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest, including the right to sue for present, past and future infringement, in the United States, its territorial possessions, and in all foreign countries, including all treaty and convention rights in and to the invention and any and all improvements entitled:

SURGICAL STAPLER

which is described in

- (a) [x] U.S. patent application executed on even date herewith
- (b) [] U.S. patent application executed on
- (c) [] U.S. application serial no. _____ filed on
- (d) [] U.S. patent no. _____ issued
(also check (e) if foreign application(s) is also being assigned)

(e) [x] and any legal equivalent thereof in a foreign country, and, in and to, all United States and foreign Letters Patent, for the full term thereof, to be obtained for said invention by the above application or any continuation, division, renewal, extension or substitute thereof, and as to letters patent any re-issue or re-examination thereof;

ASSIGNORS hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNORS hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all such Letters Patent to ASSIGNEE:

ASSIGNORS further covenants to promptly provide all pertinent facts and documents known and accessible to ASSIGNOR relating to said invention and said Letters Patent and legal equivalents; to testify as to the same in any interference, litigation or proceeding related thereto; to execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patents which may be granted therefor in said ASSIGNEE, its successors, assigns or other legal representatives; to execute any additional or divisional applications for patents for said invention, or any part or parts thereof, and for the reissue of any Letters Patents to be granted therefor; and to make all rightful oaths and do all lawful acts requisite for procuring the same or for aiding therein, all without further compensation, but at the sole expense of ASSIGNEE, its successors, assigns, or other legal representatives.

ASSIGNORS hereby grants ASSIGNEE and Assignee's attorneys the power to insert the Serial No. and/or filing date of the above-described application(s) after such information becomes known to them.

IN WITNESS WHEREOF, I have hereunto set hand and seal.

INVENTORS:

Dominick L. Mastri
Dominick L. Mastri

Dated: 10/19/95

Frank J. Viola
Frank J. Viola

Dated: 10/17/95

Thomas W. Alesi, Jr.
Thomas W. Alesi, Jr.

Dated: 10/18/95

Robert J. Geisler
Robert J. Geisler

J. Wilson
Jon Wilson

Dated: 10/17/95

Dated: 10 - 20 - 95

Dated: _____

State of Connecticut)
County of Fairfield) ss

Before me this 19th day of October 1995, personally appeared Dominick L. Mastri to me personally known to be the person described in and who executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the purposes therein set forth.

Marie A. Grasso
Notary Public

AFFIX SEAL

MARIE A. GRASSO
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 1998

State of Connecticut)
County of Fairfield) ss

Before me this 19th day of October 1995, personally appeared Frank J. Viola to me personally known to be the person described in and who executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the purposes therein set forth.

Marie A. Grasso
Notary Public

AFFIX SEAL

MARIE A. GRASSO
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 1998

State of Connecticut)
County of Fairfield) ss

Before me this 19th day of October 1995, personally appeared Thomas W. Alesi, Jr. to me personally known to be the person described in and who executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the purposes therein set forth.

Marie A. Grasso
Notary Public

AFFIX SEAL

MARIE A. GRASSO
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 1998

State of Connecticut)
) ss
County of Fairfield)

Before me this 19th day of October 1995, personally appeared Robert J. Geiste to me personally known to be the person described in and who executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the purposes therein set forth.

Marie A. Grasso
Notary Public

AFFIX SEAL

MARIE A. GRASSO
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 1998

State of Connecticut)
) ss
County of Fairfield)

Before me this 20th day of OCTOBER 1995, personally appeared Jon Wilson to me personally known to be the person described in and who executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the purposes therein set forth.

Marie A. Grasso
Notary Public
COMMISSIONER, SUPERIOR COURT
STATE OF CONNECTICUT

AFFIX SEAL